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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/671,250 | 09/25/2003 | Craig William Fellenstein | AUS920030536US1 | 8160 |
| 7590 11/30/2004 | | | | |
| Biggers & Ohanian, PLLC Suite 970 504 Lavaca Austin, TX 78701 | | | EXAMINER CHANG, WEI H | |
| | | | ART UNIT 2645 | PAPER NUMBER |

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,250

Applicant(s)

FELLENSTEIN ET AL.

Examiner

Wei H. Chang

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/25/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 7, 14, &20** are rejected under 35 U.S.C. 102(b) as being anticipated by Whittaker et al. (EP1109390 published 2001-06-20).

To claims 7, 14, &20: Whittaker teaches a voicemail method (Fig.2, #30). His voicemail processor comprising: (a) storing a converted voicemail text with the associated message (transcribed voice messages, col.3, line 54 with Fig.3, #84), (b) receiving search keywords (pa.0034 with Fig.4), and (c) selecting voicemail messages in dependence on the selected keywords (pa.0035 with Fig.5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 8, 9, 15, &16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein et al. (US 5,901,203 published May 4, 1999) in view of Wilcox et al. (US 6,404,856 published Jun. 11, 2002).

To claims 1, 8, &15: Morganstein teaches a caller identification system (col.7, lines 9-12 with Fig.2) comprising: (a) storing a caller voiceprint (record the caller utterance, col.11, lines 1-2) in associated with the caller (utterance in caller record, col.9, lines 20-25 with Fig.3c) and (b) identifying a caller (col.11, lines 29-33).

Morganstein does not teach: (c) storing speech tags, (d) receiving search keywords, and (e) selecting voicemail messages.

However, Wilcox teaches an audio data annotating and indexing system (Fig.1) comprising: (c) storing user speech tags (user attaches audio data with properties, audio data, col.4, lines 19-25 & col.5, lines 5-12; as well as keywords, col.6, lines 7-8), (d) receiving search keywords (col.6, lines 39-41 with Fig.4), and (e) selecting voicemail messages (col.6, lines 54-59 with Fig.5).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art, to modify Morganstein by Wilcox to tag voice messages, to provide the user a feature of keyword search by text (indexing audio data for retrieval, Wilcox, col.2, lines 38-41)

To claims 2, 9, &16: Morganstein, modified and applied as above to claims 1, 8, &15, further teaches prompting the caller for his voiceprint (col.10, lines 50-55 with Fig. 4a, #210 & 212).

3. **Claims 3, 10, & 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein et al. (US 5,901,203 published May 4, 1999) in view of Wilcox et al. (US 6,404,856 published Jun. 11, 2002), and further in view of Whittaker et al. (EP1109390 published 2001-06-20).

To claims 3, 10, & 17: Morganstein, modified and applied as above to claims 1, 8, & 15, does not teach extracting voiceprints from caller voice messages.

However, Whittaker teaches extracting voiceprints from caller messages (entry extraction, col.3, lines 48-49 with Fig.3, blk.80).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art, to further modify Morganstein by Whittaker to extract voiceprints from caller voice messages, to automatically obtain the needed information (Whittaker, col.1, lines 54-56) while the user is absent.

4. **Claims 4, 11, & 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein et al. (US 5,901,203 published May 4, 1999) in view of Wilcox et al. (US 6,404,856 published Jun. 11, 2002), and further in view of Trandal et al. (US 6,088,428 published Jul. 11, 2000).

To claims 4, 11, & 18: Morganstein, modified and applied as above to claims 1, 8, & 15, does not teach prompting the user for speech tag.

However, Trandal teaches prompting the user for his input (col.9, lines 24-26 & 31-33 with Fig.2, blks.200 & 222).

It would have been at the time the invention was made to a person having ordinary skill in the art, to further modify Morganstein by Trandal to prompt the user, to conduct an interactive dialogue in acquiring needed input (Trandal, col.9, lines 1-3).

5. **Claims 5 & 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein et al. (US 5,901,203 published May 4, 1999) in view of Wilcox et al. (US 6,404,856 published Jun. 11, 2002), further in view of Trandal et al. (US 6,088,428 published Jul. 11, 2000), and further in view of Whittaker et al. (EP1109390 published 2001-06-20).

To claims 5 & 12: Morganstein, modified and applied as above to claims 4 & 11, does not teach converting the accepted user speech tag into text.

However, Whittaker teaches translating the accepted user speech into text (transcribed audio into text, Fig.3, blk.90)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art, to further modify Morganstein by Whittaker to convert the received speech tag into text, to provide a user-friendly hands-free input method (Trandal, col.4, lines 21-25)

6. **Claims 6, 13, & 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Whittaker et al. (EP1109390 published 2001-06-20) in view of Wilcox et al. (US 6,404,856 published Jun. 11, 2002).

To claims 6, 13, &19: Whittaker, applied as above to claims 7,14, &20, further teaches storing a caller ID (entity extraction; col.4, lines10-12 with Fig.4, #210) with a desired voicemail message,

Whittaker does not teach identifying callers with caller ID's.

However, Wilcox teaches identifying callers with caller ID's (col.5, lines 28-35).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art, to modify Whittaker by Wilcox to identify callers by caller ID's, to allow the user to use the inherent design feature of a caller ID.

Conclusion

7. The prior arts made of record and not relied upon are considered pertinent to application disclosure:

Morganstein et al. (US 5940476 A, US 6445775 B1, & US 6456698 B1) disclose a system and method for identifying an unidentified caller.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei H. Chang whose telephone number is (703)-305-0567. The examiner can normally be reached on Monday through Friday from 9:00 to 18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang can be reached on (703)-305-4895. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei H. Chang
November 9th, 2004



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